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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,048	10/12/2005	Kazuharu Mishimagi	JG-SU-5218/500577320068	2476

26418 7590 09/25/2006

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER

CHENEVERT, PAUL A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/553,048	Applicant(s) MISHIMAGI, KAZUHARU	
	Examiner Paul A. Chenevert	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 7 and 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2005 10 12</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because Figure 22, reference number "84" (elastic member) should be changed to "94".
3. Figure 25 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
- a. Paragraph 0040, line 19, “elastic material 63” should be changed to “elastic material 64”.
 - b. Paragraph 0044, lines 8-11, “a front end of a cover attachment portion 72 along a lower edge of a first inclined portion 22 on a lower outer surface of a first inclined portion 22 of a vehicle side visor 21.” should be changed to “a front end of a cover attachment portion 72 on a lower outer surface of a first inclined portion 22 of a vehicle side visor 21.”
 - c. Paragraph 0047, line 16 and paragraph 0051, line 5, “19” should be changed to “39”.
 - d. Paragraph 0048, line 6, “through hole 83c” should be inserted after “sealing portion 83”
 - e. Paragraph 0051, line 10, “cover attachment portion 91” should be changed to “cover attachment portion 92”.
 - f. Paragraph 0057, line 22, “sealing portion 113” should be changed to “sealing portion 133”.
 - g. Paragraph 0058, line 2, “cover attachment portion 112” should be changed to “cover attachment portion 132”.

Appropriate correction is required.

Claim Objections

6. Claim 3 is objected to because of the following informalities: line 3, “curved” should be changed; suggestions are “curve”, “curved portion”, “curved section”, or “curved fashion”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

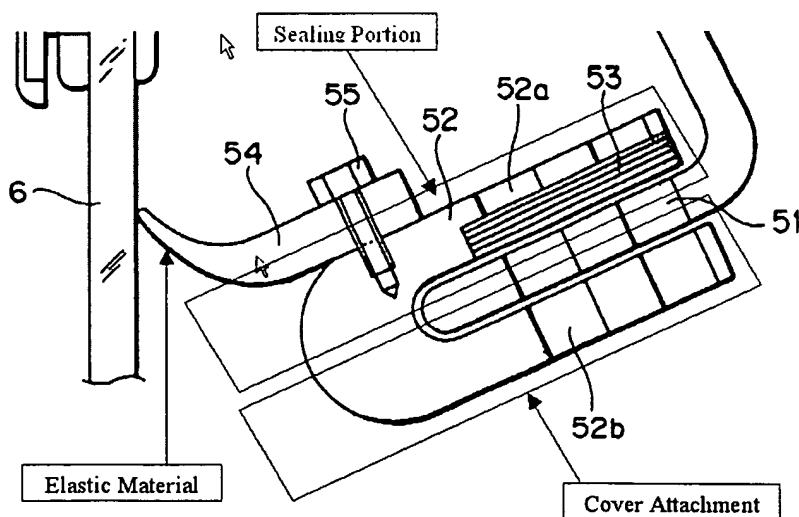
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Iino.

Iino discloses a vehicle side visor cover, which is attached on a side visor (10), the side visor cover comprising: a cover attachment portion attached on an outer surface of the side visor; a sealing portion whose outer rim is integrally connected with the lower edge of the cover attachment portion; and an elastic material as shown in the detailed Figure 11 below.



In regards to claim 4, the side visor cover is attached to lower outer surface of a horizontal portion of the side visor.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iino in view of obvious common knowledge.

Iino discloses a side visor cover as described above for a vehicle front side window.

However, Iino does not expressly disclose the side visor is employed on a vehicle rear side window.

The Examiner hereby takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a vehicle rear side window visor cover, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

11. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iino in view of the Applicant's own patent (Kazuharu JP2001-322425).

Iino discloses a side visor cover as described above.

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However, Iino does not expressly disclose that a lamp is attached to on the cover attachment portion.

Kazuharu discloses a side visor with a lamp (24) attached on the outer surface with hidden wires (31).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the side visor cover of Iino, to employ a lamp, as taught by Kazuharu.

The suggestion/motivation for doing so would have been to provide a lighted area on the side of the vehicle, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the side visor cover of Iino by combining a lamp on the cover attachment portion to obtain the invention as specified in claims 8, 9 & 11, as taught by the prior references' motivation, and not hindsight from the applicants disclosure.

Allowable Subject Matter

12. Claims 2, 3, 5, 7 & 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicant's multi-sealing plate system, curved sealing portion, aligned inclined portion, rain groove, lamp on the sealing portion, reinforcement, U-shaped clip, nor a flap.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 571-272-6657. The examiner can normally be reached on Mon-Fri (8:30-5:00).

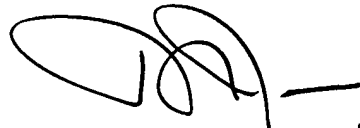
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul A. Chenevert
Examiner
Art Unit 3612

PAC

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12SEP06


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600 9/18/06